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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 LN MANAGEMENT, LLC SERIES 5664)
8 DIVOT,)

9 Plaintiff,)

10 vs.)

11 KIT DANSKER et al.,)

12 Defendants.)

2:13-cv-01420-RCJ-GWF

ORDER

13 This is a removed quiet title action between the buyer of a property at a homeowners'
14 association foreclosure sale and the holders of the first deed of trust. The deed of trust holder
15 moved for summary judgment under *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832
16 F.3d 1154 (9th Cir. 2016). The buyer countered that the Court should remand for lack of
17 diversity under *Weeping Hollow Ave. Tr. v. Spencer*, 831 F.3d 1110 (9th Cir. 2016). Because
18 diversity depended on the citizenships of the yet unknown deceased homeowner's successor(s)-
19 in-interest and the buyer LLC's member(s), the Court gave the parties several months to engage
20 in jurisdictional discovery.

21 The parties have noted at a status conference that the only fact question potentially
22 preventing diversity jurisdiction would be if one or more of Kit Dansker's successors-in-interest
23 were Nevada residents. But the parties have yet to discover the identities of Dansker's heirs.
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1 The dispositive issue at this time is therefore the fact that Dansker's successors have not been
2 served. The possibility of a future quiet title action by one of those persons does not destroy
3 complete diversity where the state citizenships of such persons is unknown. There being no lack
4 of diversity between the joined and served parties, the Court is satisfied of its jurisdiction and
5 will not delay the case any longer. Any party later discovering a lack of subject matter
6 jurisdiction may bring the issue to the attention of the Court.


7 **CONCLUSION**

8 IT IS HEREBY ORDERED that the Motion to Compel (ECF No. 75) is DENIED as
9 moot.

10 IT IS FURTHER ORDERED that the parties shall consult with the Magistrate Judge
11 forthwith to establish a scheduling order.

12 IT IS SO ORDERED.

13 Dated this 24th day of August, 2017.

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16 ROBERT C. JONES
United States District Judge
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